

REMARKS

Initially, applicant would like to thank the Examiner for the helpful and courteous telephonic interview she conducted with applicant's undersigned representative on or about 20 October 2003. During such interview the above amendments were discussed, although no specific agreement was reached.

Upon entry of the present amendment, the claims in the application the claims in the application remain claims 1-10 and 14-23, of which claims 1 and 18 are independent.

Claims 1 is amended to further explicitly define that the pocket extends inwardly inside of the air bag at a lower surface of the air bag when the air bag is fully inflated; claim 10 is amended to define that the pocket opening may have one of the shapes previously defined in claims 10-13; claims 11-13 are correspondingly cancelled; and new claims 21-23 further define aspects of the air bag system of claims 1 and 18 similar to features set forth in claims 1, 10 and 18.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the drawings and claims. Applicant further respectfully submits that no new matter is introduced by the above amendments.

Rejection Under 35 USC §102

1. The Examiner has rejected claims 1-5 and 14-17 under 25 U.S.C. 102(b) as allegedly anticipated by Maruyama et al. It is the Examiner's position, as set forth at page 2 of the Office Action, and further discussed in a "Response to Arguments" set forth at the top of page 4 of the Office Action, that the protrusion 37 of Maruyama's air bag is a pocket extending inwardly at a lower surface of the air bag (convexed from the lower surface) because "inwardly" is a relative term that has not been defined in the independent claims, and is in a position corresponding to top portion of a child safety seat, etc. as claimed because the safety seat can be placed in various locations, and because the language is merely a functional recitation.

Applicant's Response

Upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection and submits that the air bag system defined in each of claims 1-5 and 14-17 is clearly patentably distinct over Maruyama's air bag system, for substantially the same

reasons set forth in Amendment-B, e.g., the protrusion 37 of Maruyama's air bag extends outwardly/in a concave manner, not inwardly/convexed, at the lower surface of the airbag according to the *plain meaning* of the claim terms; the protrusion 37 is located in a position corresponding to the knees of an individual seated on a passenger seat, not in a position corresponding to a top portion of a child safety seat mounted on an occupant seat when the air bag is inflated; the protrusion 37 is not disposed inwardly of the air bag when the air bag is in a folded state, as plainly shown in Maruyama's Figs. 1 and 7-9, etc. Moreover, Maruyama's protrusion 37 does not *extend inside of the inflated airbag* as now defined in independent claim 1.

Additionally, applicant notes that the Examiner's comment that a child safety seat could have various placements, is contradicted by claim 3 which defines that the seat is mounted on an occupant seat.

Based on the foregoing, applicant respectfully submits that the rejection of 1-5 and 14-17 under 35 USC 102(b) as unpatentable over Maruyama is overcome, and accordingly it is respectfully requested that such rejection be reconsidered and withdrawn.

Rejection Under 35 USC §103(a)

2. The Examiner has also rejected claims 6- 20 under 35 USC §103(a) as being unpatentable over Maruyama in view of Mihm et al. (US Patent 5,306,043), as set forth on page 3 of the Office Action.). It is the Examiner's position that it would have been obvious to provide Maruyama's air bag with a strap/tether such as the tether 94 of Mihm to aid controlling inflation of the air bag.

Applicant's Response

Upon careful consideration, applicant respectfully traverses such rejection, and submits that claims 6- 20 are clearly patentably distinct over the Maruyama and Mihm references, for those reasons as discussed above relative to independent claim in relation to Maruyama (which are not overcome by any teaching of Mihm), and because the proposed modification of Maruyama's air bag relative to a select feature of Mihm (the tether 94) is improperly based on a suggestion coming entirely from the Examiner (guided by impermissible hindsight of applicant's disclosure), rather than any teaching or suggestion which may be fairly gleaned from the references themselves.

Relative to the proposed modification, we note that the Maruyama and Mihm references teach two very distinct (opposite) means for achieving a similar result, i.e., protection of a passenger's knees from impact with an instrument panel during a collision. Particularly, Maruyama's air bag includes the protrusion 37 which extends downwardly from the main portion of the air bag to protect a passenger's knees. In Maruyama's system, it is difficult to make an air bag by a sewing method. Therefore, Maruyama discloses that the air bag is made by sewing at lower and upper panels so that the airbag can be made easily. Further, the protrusion 37 (inflating portion) is positioned between an instrument panel and the occupant's knees, such that the occupant's knees and legs are protected by the protrusion.

Conversely, Mihm causes the main portion of his air bag to deploy somewhat downwardly around the instrument panel using the bend pleat 48 and tethers 94. Particularly, in Mihm, the bend pleat 48 is formed so that the airbag can be easily bent when it is inflated.

Given that the main portion of Maruyama's air bag 18 does not deploy downwardly around the instrument panel and does not include a bend pleat such as taught by Mihm, persons skilled in the art would never consider it obvious to hypothetically modify Maruyama's air bag to include a tether as taught by Mihm because there is no reason/motivation to do so.

Moreover, applicant respectfully submits that neither reference teaches or suggests a pocket extending inside of an inflated air bag as defined in claim 1, an air bag pocket formed in a lower surface of the air bag, which has a predetermined depth and has an opening portion for receiving an obstacle therein, etc. as defined in claim 18, or an air bag having the related features set forth in the dependent claims.

Based on the foregoing, applicant respectfully submits that the rejections of claims 6-20 under 35 USC 103(a) as unpatentable over the Maruyama and Mihm references is overcome, and accordingly it is respectfully requested that such rejection be reconsidered and withdrawn.

Other Matters

New claims 21-23 are believed to be allowable for those reasons discussed above in relation to claims 1 and 18, and based on the merits of the additional features set forth in these claims.

Conclusion

In conclusion, applicant has overcome the Examiner's rejections as presented in the final Office Action; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

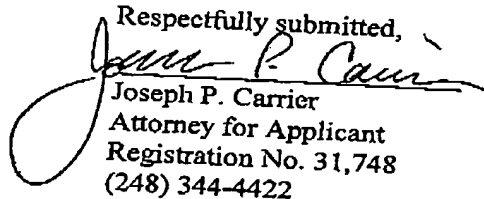
The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

An RCE is being filed concurrently herewith.

Favorable reconsideration is respectfully requested.

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Respectfully submitted,

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I hereby certify that this correspondence is being sent via facsimile transmission to the US Patent & Trademark Office, Art Unit 3616, December 9, 2003.

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